



Rep. Esther Golar

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09800HB0576ham001

LRB098 03406 CEL 43939 a

1 AMENDMENT TO HOUSE BILL 576

2 AMENDMENT NO. _____. Amend House Bill 576 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Section 9-201 as follows:

6 (220 ILCS 5/9-201) (from Ch. 111 2/3, par. 9-201)

7 Sec. 9-201. (a) Unless the Commission otherwise orders, and
8 except as otherwise provided in this Section, no change shall
9 be made by any public utility in any rate or other charge or
10 classification, or in any rule, regulation, practice or
11 contract relating to or affecting any rate or other charge,
12 classification or service, or in any privilege or facility,
13 except after 45 days' notice to the Commission and to the
14 public as herein provided. Such notice shall be given by filing
15 with the Commission and keeping open for public inspection new
16 schedules or supplements stating plainly the change or changes

1 to be made in the schedule or schedules then in force, and the
2 time when the change or changes will go into effect, and by
3 publication in a newspaper of general circulation or such other
4 notice to persons affected by such change as may be prescribed
5 by rule of the Commission. The Commission, for good cause
6 shown, may allow changes without requiring the 45 days' notice
7 herein provided for, by an order specifying the changes so to
8 be made and the time when they shall take effect and the manner
9 in which they shall be filed and published.

10 When any change is proposed in any rate or other charge, or
11 classification, or in any rule, regulation, practice, or
12 contract relating to or affecting any rate or other charge,
13 classification or service, or in any privilege or facility,
14 such proposed change shall be plainly indicated on the new
15 schedule filed with the Commission, by some character to be
16 designated by the Commission, immediately preceding or
17 following the item.

18 When any public utility providing water or sewer service
19 proposes any change in any rate or other charge, or
20 classification, or in any rule, regulation, practice, or
21 contract relating to or affecting any rate or other charge,
22 classification or service, or in any privilege or facility,
23 such utility shall, in addition to the other notice
24 requirements of this Act, provide notice of such change to all
25 customers potentially affected by including a notice and
26 description of such change, and of Commission procedures for

1 intervention, in the first bill sent to each such customer
2 after the filing of the proposed change.

3 For water or sewer utilities with greater than 15,000 total
4 customers, the following notice requirements are applicable,
5 in addition to the other notice requirements of this Act:

6 (1) As a separate bill insert, an initial notice in the
7 first bill sent to all customers potentially affected by
8 the proposed change after the filing of the proposed change
9 shall include:

10 (A) the date when the change or changes shall go
11 into effect as proposed by the water or sewer utility
12 as well as the date when the change or changes shall go
13 into effect if the Commission utilizes the 11-month
14 process as described in this Section;

15 (B) the date of the previous rate increase;

16 (C) the estimated bill impacts for customers by
17 customer class based on low, average, and high volume
18 consumption;

19 (D) information about how to obtain from the water
20 or sewer utility by phone or through the water or sewer
21 utility's website the impact the proposed change may
22 have on the customer's most recent bill;

23 (E) if the proposed change involves a change from a
24 flat to a volumetric rate, an explanation of and
25 rationale for the change;

26 (F) tips on water conservation; and

1 (G) the customer's option to install a separate
2 meter for irrigation to mitigate sewer charges, and an
3 explanation of the water or sewer utility's and the
4 customer's responsibilities for installation of a
5 separate meter.

6 (2) Ongoing notice of the changes to all customers
7 potentially affected by the proposed change including a
8 notice with each billing cycle until the final disposition
9 of the proposed change. The notice shall include the
10 following:

11 (A) a statement that the water or sewer utility
12 requested a change including the filing date, the date
13 when the change or changes may go into effect, and the
14 Commission Docket Number; and

15 (B) the estimated amount the customer may pay based
16 on the water or sewer utility's proposed rates and that
17 billing cycle's reported consumption or information
18 about how to obtain from the water or sewer utility by
19 phone or through the water or sewer utility's website
20 the impact the proposed change may have on the
21 customer's most recent bill.

22 (3) Final notice of the changes to all customers
23 potentially affected by the proposed change by including a
24 notice within 5 business days after the Commission's Final
25 Order in a rate case. The notice shall include the
26 following:

1 (A) the date when the change or changes went into
2 effect;

3 (B) estimated bill impacts for customers by
4 customer class based on low, average, and high volume
5 consumption;

6 (C) information about how to obtain from the water
7 or sewer utility by phone or through the water or sewer
8 utility's website the impact the proposed change may
9 have on the customer's most recent bill;

10 (D) explain if usage shall now be charged at a
11 volumetric rate rather than a flat rate;

12 (E) tips on water conservation; and

13 (F) the customer's option to install a separate
14 meter for irrigation to mitigate sewer charges, and an
15 explanation of the water or sewer utility's and the
16 customer's responsibilities for installation of a
17 separate meter.

18 Any municipality representing at least 100 persons or a
19 community organization representing at least 25 persons may
20 provide an economic impact statement in writing to the
21 Commission that shall contain a discussion of the number of
22 persons affected by the proposed change and an estimate of the
23 economic impact upon those persons.

24 (b) Whenever there shall be filed with the Commission any
25 schedule stating an individual or joint rate or other charge,
26 classification, contract, practice, rule or regulation, the

1 Commission shall have power, and it is hereby given authority,
2 either upon complaint or upon its own initiative without
3 complaint, at once, and if it so orders, without answer or
4 other formal pleadings by the interested public utility or
5 utilities, but upon reasonable notice, to enter upon a hearing
6 concerning the propriety of such rate or other charge,
7 classification, contract, practice, rule or regulation, and
8 pending the hearing and decision thereon, such rate or other
9 charge, classification, contract, practice, rule or regulation
10 shall not go into effect. The period of suspension of such rate
11 or other charge, classification, contract, practice, rule or
12 regulation shall not extend more than 105 days beyond the time
13 when such rate or other charge, classification, contract,
14 practice, rule or regulation would otherwise go into effect
15 unless the Commission, in its discretion, extends the period of
16 suspension for a further period not exceeding 6 months.

17 All rates or other charges, classifications, contracts,
18 practices, rules or regulations not so suspended shall, on the
19 expiration of 45 days from the time of filing the same with the
20 Commission, or of such lesser time as the Commission may grant,
21 go into effect and be the established and effective rates or
22 other charges, classifications, contracts, practices, rules
23 and regulations, subject to the power of the Commission, after
24 a hearing had on its own motion or upon complaint, as herein
25 provided, to alter or modify the same.

26 Within 30 days after such changes have been authorized by

1 the Commission, copies of the new or revised schedules shall be
2 posted or filed in accordance with the terms of Section 9-103
3 of this Act, in such a manner that all changes shall be plainly
4 indicated. The Commission shall incorporate into the period of
5 suspension a review period of 4 business days during which the
6 Commission may review and determine whether the new or revised
7 schedules comply with the Commission's decision approving a
8 change to the public utility's rates. Such review period shall
9 not extend the suspension period by more than 2 days. Absent
10 notification to the contrary within the 4 business day period,
11 the new or revised schedules shall be deemed approved.

12 (c) If the Commission enters upon a hearing concerning the
13 propriety of any proposed rate or other charge, classification,
14 contract, practice, rule or regulation, the Commission shall
15 establish the rates or other charges, classifications,
16 contracts, practices, rules or regulations proposed, in whole
17 or in part, or others in lieu thereof, which it shall find to
18 be just and reasonable. In such hearing, the burden of proof to
19 establish the justness and reasonableness of the proposed rates
20 or other charges, classifications, contracts, practices, rules
21 or regulations, in whole and in part, shall be upon the
22 utility. The utility, the staff of the Commission, the Attorney
23 General, or any party to a proceeding initiated under this
24 Section who has been granted intervenor status and submitted a
25 post-hearing brief must be given the opportunity to present
26 oral argument, if requested no later than the date for filing

1 exceptions, on the propriety of any proposed rate or other
2 charge, classification, contract, practice, rule, or
3 regulation. No rate or other charge, classification, contract,
4 practice, rule or regulation shall be found just and reasonable
5 unless it is consistent with Sections of this Article.

6 (d) Except where compliance with Section 8-401 of this Act
7 is of urgent and immediate concern, no representative of a
8 public utility may discuss with a commissioner, commissioner's
9 assistant, or hearing examiner in a non-public setting a
10 planned filing for a general rate increase. If a public utility
11 makes a filing under this Section, then no substantive
12 communication by any such person with a commissioner,
13 commissioner's assistant or hearing examiner concerning the
14 filing is permitted until a notice of hearing has been issued.
15 After the notice of hearing has been issued, the only
16 communications by any such person with a commissioner,
17 commissioner's assistant, or hearing examiner concerning the
18 filing permitted are communications permitted under Section
19 10-103 of this Act. If any such communication does occur, then
20 within 5 days of the docket being initiated all details
21 relating to the communication shall be placed on the public
22 record of the proceeding. The record shall include any
23 materials, whether written, recorded, filmed, or graphic in
24 nature, produced or reproduced on any media, used in connection
25 with the communication. The record shall reflect the names of
26 all persons who transmitted, received, or were otherwise

1 involved in the communication, the duration of the
2 communication, and whether the communication occurred in
3 person or by other means. In the case of an oral communication,
4 the record shall also reflect the location or locations of all
5 persons involved in the communication and, if the communication
6 occurred by telephone, the telephone numbers for the callers
7 and recipients of the communication. A commissioner,
8 commissioner's assistant, or hearing examiner who is involved
9 in any such communication shall be recused from the affected
10 proceeding. The Commission, or any commissioner or hearing
11 examiner presiding over the proceeding shall, in the event of a
12 violation of this Section, take action necessary to ensure that
13 such violation does not prejudice any party or adversely affect
14 the fairness of the proceedings including dismissing the
15 affected proceeding. Nothing in this subsection (d) is intended
16 to preclude otherwise allowable updates on issues that may be
17 indirectly related to a general rate case filing because cost
18 recovery for the underlying activity may be requested. Such
19 updates may include, without limitation, issues related to
20 outages and restoration, credit ratings, security issuances,
21 reliability, Federal Energy Regulatory Commission matters,
22 Federal Communications Commission matters, regional
23 reliability organizations, consumer education, or labor
24 matters, provided that such updates may not include cost
25 recovery in a planned rate case.

26 (Source: P.A. 96-33, eff. 7-10-09.)".